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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

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14 CRAIG YATES, an individual;)
15 v.) Plaintiff,
16 CAFÉ GRATITUDE LLC, a California)
17 limited liability Company; and)
ROBERT A. IMHOFF)
,)
Defendant.)
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CASE NO. CV-10-2015-MEJ

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON**

19 The parties, by and through their respective counsel, stipulate to dismissal of this action in
20 its entirety with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Outside of the terms of the
21 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
22 costs and attorneys’ fees. The parties further consent to and request that the Court retain
23 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.
24 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
25 agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action become and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

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7 Dated: May 1, 2012

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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12 Dated: May 1, 2012

Law Office of Jason G. Gong
A Professional Corporation

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14 By: /s/ Thomas E. Frankovich
Thomas E. Frankovich
Attorney for CRAIG YATES, an individual

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ORDER

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.
22 R. Civ. P. 41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
23 purpose of enforcing the parties' Settlement Agreement and General Release should such
enforcement be necessary.

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25 Dated: __ May 2 ___, 2012


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27 Honorable Magistrate Judge Maria-Elena James
28 UNITED STATES DISTRICT JUDGE